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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 United States of America,

10 Plaintiff,

11 v.

12 Carlos Navarro-Cuevas,

13 Defendant.
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NO. CR-15-01377-001-PHX-DGC

**ORDER OF DETENTION PENDING
DISPOSITION (PURSUANT TO
18 U.S.C. § 3143)**

15 In accordance with the Bail Reform Act, 18 U.S.C. § 3143, a detention hearing was
16 submitted on 6/8/2017. Defendant was present and was represented by counsel. The
17 defendant has not rebutted by clear and convincing evidence that he is not likely to flee if
18 released.

18 **FINDINGS OF FACT**

19 I find by a preponderance of the evidence that:

20 ☒ The defendant is not a citizen of the United States or lawfully admitted for
21 permanent residence.

22 ☒ The defendant, at the time of the charged offense, was in the United States
23 illegally.

23 ☒ The defendant has a prior criminal history.

24 ☒ The defendant has been ordered detained on the underlying 8 USC 1326(a)&(b)(1)
25 charged in Case No: 17-1405MJ.

26 The Court incorporates by reference the material findings of the Pretrial Services Agency
27 which were reviewed by the Court at the time of the hearing in this matter, except as
28 noted in the record.

1 **CONCLUSIONS OF LAW**

- 2 1. There is a serious risk that the defendant will flee.
3 2. No condition or combination of conditions will reasonably assure the appearance
4 of the defendant as required.

5 **DIRECTIONS REGARDING DETENTION**

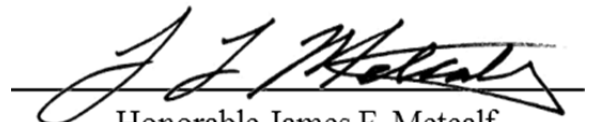
6 The defendant is committed to the custody of the Attorney General or his/her designated
7 representative for confinement in a corrections facility separate, to the extent practicable,
8 from persons awaiting or serving sentences or being held in custody pending appeal. The
9 defendant shall be afforded a reasonable opportunity for private consultation with defense
10 counsel. On order of a court of the United States or on request of an attorney for the
11 Government, the person in charge of the corrections facility shall deliver the defendant to
12 the United States Marshal for the purpose of an appearance in connection with a court
13 proceeding.

14 **APPEALS AND THIRD PARTY RELEASE**

15 IT IS ORDERED that should an appeal of this detention order be filed with the
16 District Court, it is counsel's responsibility to deliver a copy of the motion for
17 review/reconsideration to Pretrial Services at least one day prior to the hearing set before
18 the District Court.

19 IT IS FURTHER ORDERED that if a release to a third party is to be considered, it
20 is counsel's responsibility to notify Pretrial Services sufficiently in advance of the hearing
21 before the District Court to allow Pretrial Services an opportunity to interview and
22 investigate the potential third party custodian.

23 DATE: 6/8/2017

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25 Honorable James F. Metcalf
26 United States Magistrate Judge
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